

# **TECHNICAL ASSISTANCE – BRINGING EMPLOYEES OR POSITIONS INTO THE STATE PERSONNEL SYSTEM**

Prepared by the Division of Human Resources in the Department of Personnel & Administration in July 28, 2003.

This information pertains to employees who enter or positions that are brought into the state personnel system from another personnel system in state government.

## **General Information**

Employees of state government who enter or are brought into the state personnel system are credited with their previous state service for purposes of accumulated leave, leave earning rates, longevity and other benefits, excluding retirement credit, afforded employees within the state personnel system (CRS 24-50-136).

Status is not included in other benefits. Employees who enter or are brought into the state personnel system must be appointed in probationary status following examination or, with prior approval of the state personnel director and in the absence of an eligible list, provisionally.

“Enter” applies to a state employee who moves from a position outside the state personnel system to a position within the personnel system. For example, employees who move from the judicial or legislative branch to the executive branch typically enter the state personnel system. Also, employees in the executive branch who leave non-classified jobs for positions in the state personnel system are entering the system.

“Brought into” applies to the movement of an existing state position along with the incumbent of that position into the state personnel system. An example is when the State Fair Authority was brought into the state personnel system.

In cases of both entry and being brought in, the action must be without a break in service for the employee to receive the credits described below. In both cases, the employee must be appointed from an eligible list.

Accumulated leave means the unused accumulated sick and annual leave any such employee may have at the time of entering or being brought in. State employees outside the state personnel system in the colleges typically have leave to their credit. Persons employed on a contract may or may not earn sick and annual leave, depending on the terms of the contract.

The state service date (longevity) is the date continuous permanent state employment began, including outside the state personnel system. There can be no termination of the employment relationship for even one day.

Merit Systems: The state does not currently have a formal arrangement with any political subdivisions that have merit systems similar to the state personnel system. Therefore, employees of a political subdivision are not eligible to receive service credit for purposes of accumulated leave, leave earning rates, longevity and other benefits that are afforded persons in the state personnel system.

### **Salary Conversion**

Employees' salaries may not exceed the maximum nor be below the minimum of the pay grade in the cases of both entering and being brought into the state personnel system. A guiding principle in setting base salary is to try to preserve previous base salary to the extent possible.

### **Annual Leave**

Employees who enter or are brought into the state personnel system earn annual leave based on the number of years of continuous state service (both in the personnel system and other state systems), regardless of the amount of leave earned while outside the personnel system. The employee's maximum accrual rate cannot exceed that of an employee in the state personnel system with the same number of years of service. There cannot be any break in service in order for the employee to receive credit for the non-classified employment. For example, an employee who enters the personnel system with seven years of state service outside the state personnel system would earn 10 hours of annual leave per month (240 hours maximum accrual), even if the employee had been earning 14 hours leave per month in the other state system. All leave that the employee earned as a state employee in the other system is transferred to the personnel system if there has not been a break in service. However, the employee loses any leave above the employee's maximum accrual rate as of the following July 1. This also applies to former personnel system employees who accept a position outside the state personnel system at the request of the Governor or other elected or appointed official and subsequently return to the state personnel system service. For example, an employee with two years of service in the state personnel system who accepted a non-classified position for 10 years and subsequently returns to the state personnel system without a break in service would earn 12 hours of annual leave per month (288 maximum accrual) because the employee is credited with 12 years of total state service.

### **Sick Leave**

Employees, who enter or are brought into the state personnel system from other state government service, transfer sick leave earned in the other system if there has not been any break in service. If there is a break in service of even one day, the employee may only reinstate the sick leave balance at the time the employee left the state personnel system (like other reinstatements). The maximum accrual rate is 360 hours (45 days) unless the employee was in the state personnel system on July 1, 1988, and had an individual maximum accrual rate established for sick leave before leaving the state personnel system. For example, an employee with two years of state personnel system service who accepted a non-classified position before July 1, 1988, and subsequently returns to the state personnel system after 10 years (without a break in service) would have a maximum accrual rate of 360 hours.

## **Seniority**

Employment must be permanent and continuous to receive service credit for state employment outside of the state personnel system. There can be no termination of the employment relationship or break in employment with the state, even for one day. Total continuous state service counts as seniority for retention rights purposes, including uninterrupted state service outside the state personnel system.

Instructional staff in higher education who enter the state personnel system are given service credit for the prior employment with the state if all of the following conditions exist.

- The person is a current permanent employee of the state (on the payroll [including on an approved leave of absence] and not a temporary employee or independent contractor status).
- During employment as instructional staff, the employee has a contract for future employment or the expectation of continued employment and is eligible for benefits, leave, and any other benefits based on service time.
- There has been no termination of employment or expiration of the term of an employment contract. Instructional staff working a period of less than 12 months are eligible to receive service credit for state employment only if they were permanent employees during their term of employment and they accept an appointment within the state personnel system prior to the expiration of their term of employment with no break in service.

The above information is general in nature and every attempt is made to keep this information updated. For more information, contact your agency human resources office. Subsequent revisions to rule or law could cause conflicts in this information. In such a situation, the laws and procedures are the official source upon which to base a ruling or interpretation. This document is a guide, not a contract or legal advice.